

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
MAY 13, 2009**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, George Culpepper Jr., Marc Pitman, Randy Toavs and Jim Heim. Mike Mower and Frank DeKort had excused absences. Dianna Broadie and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were 6 people in the audience.

**APPROVAL OF  
MINUTES**

No minutes for approval.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

Erica Wirtila, Sands Surveying, said she was in the audience to answer any questions and briefly went over the history of the petition (FZC 08-13) which was to be untabled.

**MOTION TO  
UNTABLE  
PENTELUTE ET  
AL (FZC 08-13)**

Culpepper motioned and Toavs seconded to untable Pentelute et al zone change (FZC 08-13).

**ROLL CALL  
VOTE**

On a roll call vote, the motion passed unanimously.

**PENTELUTE ET  
ALL (FZC 08-13)**

A Zone Change request in the Blanchard Lake Zoning District by Daniel Pentelute, Edric & Maxine Vredenburg, Bankfull Boy, LLC, and Happy Valley Storage from AG-20 (Agricultural) to B-2 (General Business) and SAG-5 (Suburban Agricultural).

**Public Comment has been closed for this proposal. This was for board discussion and action only.**

**BOARD  
DISCUSSION**

Cross went over the history of when the petition was last under discussion.

Culpepper suggested they make a new motion to adopt findings of fact due to the fact there had been some changes in the findings since the last meeting.

Cross agreed.

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FZC 08-13)**

Culpepper motioned and Heim seconded to adopt findings of fact for (FZC 08-13) as amended.

**BOARD  
DISCUSSION**

Cross read the changes to the findings of fact in the staff report.

**ROLL CALL TO  
ADOPT F.O.F  
(FZC 08-13)**

On a roll call vote, the motion passed unanimously.

**ROLL CALL TO  
ACCEPT STAFF  
REPORT AS  
AMENDED**

*(Pitman made a motion seconded by Hall to adopt staff report, 1/29/09 meeting)*  
On a roll call vote, the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC 08-13)**

Heim motioned and Hickey-AuClaire seconded to recommend approval of Pentelute et al FZC 08-13 to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Cross wanted to point out he did not necessarily agree with the zone choices available in commercial zoning. Committee B which he was on was working on that problem so there was not a change in density when there was a change in use. He felt with the choices available, they made the best possible one for the area.

The board briefly discussed the current status of the Whitefish donut area.

**ROLL CALL TO  
RECOMMEND  
APPROVAL OF  
(FZC 08-13)**

On a roll call vote, the motion passed unanimously.

**ROBINSON  
SAND &  
GRAVEL  
(FZC 08-14)**

A Zone Change request in the Evergreen Zoning District by Robinson Sand & Gravel Inc. from R-1(Suburban Residential) to B-2 (General Business). The property is located 1657 and 1661 Montana Highway 35.

**STAFF REPORT**

Dianna Broadie reviewed staff report FZC 08-14 for the board.

**BOARD  
QUESTIONS**

Cross asked staff to explain the fill situation mentioned in the staff report.

Broadie said originally, the owner started to place illegal fill on the property without a permit. He was notified about the violation and would take out the illegal fill, replace with fill authorized by a flood plain permit, then continue with his development of the land for commercial use.

**APPLICANT  
PRESENTATION**

Wayne Freeman, 481 Doney Way Bozeman, MT, represented the applicant. He thought the staff report covered all of the things he would mention. He went over the process they went through to have the application before the board now.

**BOARD  
QUESTIONS**

None.

**AGENCY  
COMMENTS**

None.

**PUBLIC  
COMMENT**

None.

**APPLICANT  
REBUTTAL**

None.

**STAFF  
REBUTTAL**

None.

**MAIN MOTION  
TO ADOPT  
F.O.F.**

Pitman made a motion seconded by Hickey-AuClaire to adopt staff report FZC 08-14 as findings-of-fact.

**BOARD  
DISCUSSION**

Culpepper thought it was a good move for the area to change the zoning.

**ROLL CALL TO  
ADOPT F.O.F.**

On a roll call vote, the motion passed unanimously.

**MOTION TO  
RECOMMEND  
APPROVAL**

Pitman made a motion seconded by Heim to adopt Staff Report FZC 08-14 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Culpepper wanted to state for the record that as the Evergreen Area continued to grow and develop, Flathead County should

make moves to put a water and sewer plant in Evergreen for the very reason that it was growing.

Cross said perhaps they should have a neighborhood plan first.

Culpepper did not think that would happen.

**ROLL CALL  
TO  
RECOMMEND  
APPROVAL OF  
FZC 08-14**

On a roll call vote the motion passed unanimously.

**FLATHEAD  
VISTA  
(FPP 09-02)**

A request by Jim Kaski for Preliminary Plat approval of Flathead Vista, a five (5) lot single-family residential subdivision on 5.19 acres. Lots in the subdivision are proposed to use a shared water system and public sewer system. The property is located on the south side of Marco Bay Road.

**STAFF REPORT**

Dianna Broadie reviewed Staff Report FPP 09-02 for the Board.

**BOARD  
QUESTIONS**

Culpepper wanted clarification on which subdivision regulations this application was reviewed under.

Broadie said the application was reviewed under the current subdivision regulations.

Cross voiced a concern about construction dust not being addressed.

Broadie said the technical representative said the plans to control the issues concerning dust may be revised before final plat.

**APPLICANT  
PRESENTATION**

Bob Erickson, Jackola Engineering, 1272 Foxtail Drive, spoke on behalf of the applicant. They were aware of the stormwater problem off of Marco Bay Road and would do what they could to mitigate that problem. They still had to get DEQ approval, so there would be some revision. The developer did not have any immediate plans to develop on this property and they were open to suggestion on how to deal with the dust issue. The developer did plan to build the homes himself. Jackola Engineering had discussed covenants with the applicant who at this time did not know exactly what he wanted the covenants to look like, but did plan to submit a more complete copy of covenants after final

plat. He did not intend to sell the property the way the covenants were now.

**BOARD  
QUESTIONS**

The board and applicant discussed the property and easements, and ways to control the storm water.

**AGENCY  
COMMENTS**

None.

**PUBLIC  
COMMENT**

Bernard Taormina (Ben), 300 Marco Bay, was concerned about the drainage of storm water and air quality from construction.

Bob Lilienthal, 211 Marco Bay, had no problem with the subdivision. His concern was if people who bought the lots were required to hook up to the Lakeside sewer.

Broadie said they were.

**APPLICANT  
REBUTTAL**

Erickson said they would take care of the storm water issue with runoff from their development and the sewer lines were already laid. He said the applicant had burned the weeds on the property and planned to spray the property this spring to help with the weed problem. They would add language to address the dust issue.

**STAFF  
REBUTTAL**

Broadie said they had received several comments on the storm water issue and reminded the board there was no way to control outside drainage issues through the subdivision process. They would be able to help mitigate water issues with the subdivision, but not the existing problems with drainage.

Pitman said the board could not legally require the applicant to reduce the amount of storm water drainage already in existence.

Grieve said that after an application went to final plat, the planning office had no means to enforce anything which was supposed to happen after final plat was approved.

**MAIN MOTION  
TO ADOPT  
F.O.F.**

Hickey-AuClaire made a motion seconded by Pitman to adopt staff report FPP 09-02 as findings-of-fact.

**SECONDARY  
MOTION TO  
(Amend F.O.F.  
#18)**

Culpepper motioned and Hickey-AuClaire seconded to amend finding of fact #18 to read; *and shall be amended in accordance with the least restrictive Flathead County subdivision regulations.*

**BOARD  
DISCUSSION**

Culpepper repeatedly expressed his frustration with the subdivision regulations being under review and the fact they may be changed.

The board and staff discussed at length which subdivision regulations the application fell under when it was reviewed and if the board could change the stipulations.

*Culpepper withdrew his motion.*

Grieve said under statute, the subdivision was subject to the regulations in effect when the application was deemed sufficient.

**ROLL CALL TO  
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL OF  
CONDITIONS**

Hickey-AuClaire made a motion seconded by Culpepper to adopt Staff Report FPP 09-02 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Cross asked about a discussion earlier about a half road issue and paving. He wanted to make sure the issue was taken care of.

The board and staff discussed how the half road issue happened and how to take care of the problem to make sure that the whole road was paved to county standards.

**SECONDARY  
MOTION TO  
(Amend  
condition #6)**

Cross moved and Toavs seconded to amend condition #6 to read; *All internal subdivision roads and cul-de-sacs shall be certified by a licensed engineer, constructed and paved in accordance with Flathead County Minimum standards for design and construction whether in or out of the proposed subdivision boundaries.*

**BOARD  
DISCUSSION**

Heim asked for clarification on which road they were discussing.

The board and applicant discussed which road was being discussed and who would maintain the access to the lift station for Lakeside sewer.

**ROLL CALL**  
**(Amend condition**  
**#6)**

On a roll call vote, the motion passed unanimously.

**SECONDARY**  
**MOTION TO**  
**(Amend**  
**condition #7)**

Cross moved and Culpepper seconded to amend condition #7 to read; *with the application for final plat, the applicant shall provide a road users agreement which requires each property owner together with parcels A & B of COS 17975 to bear his or her prorated share for maintenance of the roads within the subdivision including access to the sanitary sewer lift station.*

**ROLL CALL**  
**(Amend**  
**condition #7)**

On a roll call vote the motion passed unanimously.

**BOARD**  
**DISCUSSION**

Hickey-AuClaire asked for clarification on the dust control plan.

The board and staff discussed the dust control plan.

**ROLL CALL TO**  
**RECOMMEND**  
**APPROVAL OF**  
**(FPP 09-02)**

On a roll call vote the motion passed unanimously.

**COMMITTEE**  
**REPORTS**

Toavs reported the progress of Committee A. The committee had needed to find out how to accept, verify and use information for projects.

The board and Grieve discussed how to incorporate the process they came up with for accepting information into their bylaws and possible types of information which would possibly be collected.

The board and staff discussed at length the issue of considering and verifying data.

The board decided to place on the 6/10/09 agenda discussion of the amendment to their bylaws.

Toavs showed the board sample maps the committee had been working on and explained the information on them and how they had been put together.

The board discussed the maps and the information presented at length.

Committee B did not meet after the last meeting.

**OLD BUSINESS**

None.

**NEW BUSINESS**

Culpepper spoke about the other committees which he brought up last week under new business. He expressed his disappointment at the fact Harris regularly attended the meetings of the subdivision regulation review committee and did not update the board as to what was happening at those meetings.

The board discussed whether or not the subdivision regulations would come before the planning board again and what the committee's purpose for reviewing the subdivision regulations was.

Culpepper reiterated his frustration at Harris not updating the board last week when the issue of the changes in the subdivision regulations was brought up.

Cross asked Grieve to ask Harris to email the board members an update on the committee's progress.

Culpepper felt there were huge changes which could happen to the subdivision regulations and again expressed his frustration at not being updated by Harris as to what the potential changes could be.

Grieve explained what he knew of the committee's agenda concerning the subdivision regulation revision.

The board discussed the highlighted changes on the copy Culpepper obtained on the subdivision regulations and the appearance of major changes being suggested.



**ADJOURNMENT** The meeting was adjourned at approximately 8:40 pm. on a motion by Heim. The next meeting will be held at 6:00 p.m. on June 10, 2009.

---

Gordon Cross, President

---

Donna Valade, Recording Secretary

*APPROVED AS SUBMITTED/CORRECTED: 6/10/09*